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AMBU SDN. BHD.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

THE LARYNGEAL MASK COMPANY  
LTD. and LMA NORTH AMERICA,  
INC.,

Plaintiff,

v.

AMBU A/S, AMBU INC., AMBU LTD.,  
and AMBU SDN. BHD.,

Defendant.

Case No. 3:07-cv-01988-DMS-NLS

Jury Trial Demanded

**DEFENDANTS AMBU A/S, AMBU INC.,  
AMBU LTD., and AMBU SDN. BHD.'s  
EX PARTE APPLICATION FOR  
MISCELLANEOUS RELIEF TO BRING  
PRODUCT EXEMPLARS TO  
ENE CONFERENCE;  
[PROPOSED] ORDER THEREON**

Magistrate Judge Nita L. Stormes  
June 10, 2008  
2:00 p.m.

Defendants Ambu A/S, Ambu Inc., Ambu Ltd., and Ambu Sdn. Bhd. (collectively  
"Ambu" or "Defendants") hereby move the Court for an Order permitting Ambu to bring samples  
of Ambu products to the Early Neutral Evaluation Conference ("ENE"). The ENE will take place  
on June 10, 2008 at 2:00 p.m. before Magistrate Judge Stormes, United States Courthouse, 940  
Front Street, Room 1118, San Diego, California, pursuant to the Court's March 25, 2008, Order  
Granting Defendants' *Ex Parte* Request to Continue the April 14, 2008 Early Neutral Evaluation  
Conference (Docket No. 47).

AMBU'S *EX PARTE* APPLICATION FOR  
MISCELLANEOUS RELIEF; [PROPOSED]  
ORDER THEREON

The February 26, 2008, Court's Notice and Order Resetting Early Neutral Evaluation Conference in Patent Case ¶ 4 (Docket No. 42), encourages the parties to "bring to the ENE appropriate demonstrative aids to assist the court in understanding" the issues in the litigation. This litigation is a patent infringement case where Plaintiffs The Laryngeal Mask Company Ltd. and LMA North America, Inc. (collectively "Plaintiffs") have accused Ambu's products, particularly Ambu's AuraOnce, Aura40, AuraFlex, and AuraStraight products, of infringing Plaintiffs' patent. *See* Pl.'s Compl. ¶¶ 14, 20. Ambu wishes to bring samples of the accused products to the ENE to aid the Court's understanding of the issues.

Accordingly, Ambu seeks the Court's permission to bring samples of the Ambu laryngeal mask products to the ENE pursuant to the order set out below.

Dated: June 4, 2008

FENWICK & WEST LLP

By: /s/ Darryl M. Woo

Darryl M. Woo

Attorneys for Defendants  
 AMBU A/S, AMBU INC., AMBU LTD., and  
 AMBU SDN. BHD.

### **ORDER**

GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: June \_\_, 2008

Hon. Nita L. Stormes  
 United States Magistrate Judge

26616/00401/LIT/1286045.3

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/EFC system per Local Rule 5.2 on June 4, 2008.

By: /s/ Darryl M. Woo

Darryl M. Woo

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LIT/1286045

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MOUNTAIN VIEW